

REMARKS

Claims 18-20 have been newly added. Support for the new claims can be found at least in claims 6-8 of the specification as originally filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of Claims 1, 3 and 9 under 35 U.S.C. § 102 (e) as being anticipated by US6683860 (Forsell '860)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the claims as presented herein.

In the Office Action the Examiner indicated that "virtual bearer" is interpreted to be equivalent to a "temporary block flow."

Claim 1 has been amended to recite, *inter alia*:

selectively operating in virtual bearer mode depending upon the response, wherein in the virtual bearer mode the virtual bearer being operable to provide flow control within the communication device, the virtual bearer flow control to store data when the communication link is not interrupted and to provide the stored data when the communication link is interrupted.

A temporary block flow of the reference clearly does not store data when the communication link is not interrupted and provide the stored data when the

communication link is interrupted. Accordingly, Forssell '860 can not anticipate the claimed invention.

Dependent claim 3

Claim 3 depends from, and includes all the limitations of, independent Claim 1, which claim is shown to be allowable for the reasons given above.

Independent Claim 9

Claim 9 recites, *inter alia*,

transmitting a signal accommodating virtual bearer flow control by the receiving device, wherein the signal is selectively over-dimensioned to support virtual bearer flow control in a receiving device virtual bearer operable to store data when the communication link is not interrupted and output the stored data when the communication link is interrupted.

The temporary block flow of the reference clearly selectively over-dimensioned to support a receiving device virtual bearer to store data when the communication link is not interrupted and provide the stored data when the communication link is interrupted. Accordingly, Forssell '860 can not anticipate the claimed invention.

Rejection of Claims 16 under 35 U.S.C. § 102 (e) as being anticipated by Landis et al.

Claim 16 recites, *inter alia*:

applying flow control in a virtual bearer responsive to a determination that a cell change is imminent, whereby the virtual bearer being operable to store received signal information and output the frame at a second data rate slower than the first data rate when it is determined that a cell change is imminent and the virtual bearer operable to provide the stored data when receipt of the communication signal is interrupted for the cell change.

The Examiner read the Virtual Bearer on Landis' teaching of a data bearer of transmission. However, Landis does not show or suggest a virtual bearer. Accordingly, Landis can not anticipate the claimed invention.

Rejection of Claims 17 under 35 U.S.C. § 102 (e) as being anticipated by Chow.

Claim 17 recites, *inter alia*:

outputting data by the virtual bearer, the virtual bearer storing the received signal and outputting the signal at a second rate slower than the first data rate during at least a portion of the transmission when the virtual bearer mode is supported and active to provide flow control within the mobile communication device, and the virtual bearer outputting the stored signal when the downlink signal is interrupted.

Chow does not show or suggest a virtual bearer mode, or a virtual bearer, as claimed. Accordingly, Chow can not anticipate the claimed invention.

Claims 2, 4 and 12 rejected under 35 U.S.C. § 103 (a) as being unpatentable over Forssell '860 in view of Forssell '280

Claim 2 depends from Claim 1, discussed above. Claim 4 recites, *inter alia*, wherein the virtual bearer is selectively operative to apply flow control to the lower layers in order to maintain a predetermined queue state target, the virtual bearer operable to store data when the downlink is not interrupted and to provide the stored data when the downlink is interrupted.

The Examiner indicated that the virtual bearer is read on the temporary block flow of Forssell. However, the temporary block flow can not anticipate or suggest the virtual bearer recited in the claims. Accordingly, the Forssell applications do not show or suggest the claimed invention, whether considered alone or in combination, and can not render the claims unpatentable.

Regarding claim 12, the Examiner indicates in the Final Office action that the absence of a TBF is the transmission of indication of no virtual bearer. The Examiner's

position is respectfully traversed as the absence of a temporary block flow is not the transmission of an indication of no virtual bearer.

Claims 5-8, 14 and 15 rejected under 35 U.S.C. § 103 (a) as being unpatentable over Forssell '860 in view of Landis.

Claim 5 recites, *inter alia*,

wherein the virtual bearer is operative to selectively apply flow control and is responsive to a determination that a cell change is imminent, whereby the virtual bearer being operable to store data when it is determined that a cell change is imminent and to provide the stored data when data flow is interrupted for the cell change.

Claims 6-8 depend from claim 5. Claim 14 recites, *inter alia*,

over-dimensioning the downlink signal to the mobile communication device to accommodate flow control in the communication device during a cell change by the mobile communication device during a virtual bearer mode of operation, wherein the signal is selectively over-dimensioned depending upon the virtual bearer type to support virtual bearer flow control wherein the virtual bearer is operable to store data when the communication link is not interrupted and output the stored data when the communication link is interrupted.

The Examiner indicated that the virtual bearer is read on the temporary block flow of Forssell. However, the temporary block flow can not anticipate or suggest the virtual bearer recited in the claims. Accordingly, the Forssell applications do not show or suggest the claimed invention, whether considered alone or in combination. Landis also fails to disclose the claimed flow control accommodation for a selective virtual bearer. Accordingly, even if combined, the references fail to suggest the claimed invention or render it unpatentable. Claim 15 depends from claim 14.

Claims 10, 11 and 13 rejected under 35 U.S.C. § 103 (a) as being unpatentable over Forssell in view of Golden.

The Examiner states in the office action that Golden discloses transmitting the streaming bearer type. Applicants do not agree with the Examiner's characterization of Golden, which like Forssell fails to disclose a virtual bearer type. Furthermore, even if the references are combined as suggested only be the Examiner, the combination of Golden with Forssell fails to disclose a virtual bearer.

It is respectfully submitted that the claims are in condition for allowance, and a Notice of Allowance is solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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